

Message Text

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PAGE 01 MEXICO 03435 190129Z

72

ACTION SCS-03

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FM AMEMBASSY MEXICO

TO SECSTATE WASHDC PRIORITY 7320

LIMITED OFFICIAL USE MEXICO 3435

E.O. 11652: N/A

TAGS: CASC, MX

SUBJ: W/W: ARREST & DETENTION

REF: (A) STATE 078772 AND PREVIOUS; (B) MONTERREY 226 AND
PREVIOUS.

1. DCM CALLED ON UNDERSECRETARY GALLASTEGUI IN APRIL
16 TO DISCUSS VIOLATION OF LEGAL AND HUMAN RIGHTS OF U.S.
CITIZENS. LATTER IMMEDIATELY SUMMONED JURIDICAL COUNSELOR
ROSENZWEIG-DIAZ TO JOIN MEETING. DCM HANDED OVER AIDE-
MEMOIRE GIVING FACTS IN CASES OF LONG (REF. A) AND RIFE
(REF. B) AND EXPRESSING CONCERN OVER USE OF PLANTED EVIDENCE
IN LONG CASE AND INEQUITABLE TREATMENT IN RIFE CASE (COPIES
OF AIDE-MEMOIRE BEING POUCHED TO DEPARTMENT). DCM ALSO
HANDED OVER COPIES OF SEVERAL PREVIOUS PROTESTS REGARDING
MISTREATMENT OF ARRESTED AND IMPRISONED US CITIZENS AND
VIOLATION OF OTHER LEGAL RIGHTS OF U.S. CITIZENS TO
WHICH NO REPLY HAD BEEN RECEIVED DESPITE REPEATED
WRITTEN AND ORAL REMINDERS. THESE INCLUDE NOTES ON
FAILURE TO SENTENCE WITHIN CONSTITUTIONALLY PRESCRIBED
TIME PERIOD, RECOVERY OF AIRCRAFT, MISTREATMENT OF PRI-
SONERS, ETC.

2. DCM EXPLAIND THAT HE WAS BRINGING UP TREATMENT OF
ARRESTED AND IMPRISONED US CITIZENS AT POLITICAL LEVEL
NOT ONLY BECAUSE OF LACK OF RESPONSE AT WORKING LEVEL
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PAGE 02 MEXICO 03435 190129Z

BUT ALSO MATTER COULD BECOME PUBLIC ISSUE BETWEEN U.S.

AND MEXICO AS RESULT FORTHCOMING CONGRESSIONAL HEARINGS.
DCM ADDED THAT FAILURE OF SECRETARIAT TO REPLY TO U.S.
REPRESENTATIONS ON ISSUE OF VIOLATION OF LEGAL AND HUMAN
RIGHTS OF U.S. CITIZENS COULD NOT BE JUSTIFIED OR
EXTENUATED.

3. ROSENZWEIG-DIAZ ARGUED THAT HERE WAS NO BASIS FOR
U.S. PROTEST RE LONG AND RIFE CASES BECAUSE THE PLANTED
EVIDENCE (IF THE ALLEGATION WAS TRUE) WAS NOT USED AGAINST
LONG, AND THE IMPRISONMENT OF RIFE WAS IN FULL ACCORD WITH
MEXICAN LAW ON NARCOTICS OFFENSES. HE ALSO CITED MEXICAN
COOPERATION WITH U.S. ON DRUG ENFORCEMENT. DCM REPLIED
EMBASSY WAS AWARE OF THE STRICT LEGALITIES OF BOTH CASES
AND WAS NOT PROTESTING BUT DRAWING ATTENTION OF PROCESURES
THAT WERE CONTRARY TO MEXICO'S OWN INTERESTS IN THE
LONG CASE AND INEQUITABLE IN THE RIFE CASE. GALLAS-
TEGUI SAID HE RECOGNIZED THE POLITICAL IMPLICATIONS OF
THE MATTER AND UNDERSTOOD U.S. CONCERNS, BUT HOPED U.S.
WOULD IN TURN UNDERSTAND THAT BUREAUCRATIC PROBLEMS
DEVELOP OCCASIONALLY IN SUCH MATTERS. HE PROMISED TO
LOOK INTO THE LONG AND RIFE CASES AND THE UNANSWERED
NOTES AND TO GET IN TOUCH WITH THE EMBASSY AS SOON AS
POSSIBLE.

4. DCM ALSO TOOK OCCASION TO SHOW GALLASTEGUI THE
LETTER OF JANUARY 30 TO SECRETARY KISSINGER FROM JAMES
FINLEY CONCERNING THE UNWARRANTED MISTREATMENT OF FINLEY'S
SON BY THE MEXICAN ARMY AND ASST. SECRETARY ROGERS' REPLY
OF FEBRUARY 18. GALLASTEGUI EXPRESSED REGRETS.

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